

Central Intelligence Agency



Washington, D.C. 20505

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29 MAY 1985

The Honorable David Durenberger
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I take pleasure in submitting, as requested in Section 3 of the CIA Information Act, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

This kind of review is indeed feasible, and to carry it out we have established the new Historical Review Program that our report describes. Under this program we have begun the process of declassifying historically significant CIA records for transfer to the National Archives.

This report has been prepared in consultation with those officials and historians specified by the CIA Information Act; their findings are appended to mine. The involvement of these scholars has been extraordinarily helpful, and we have incorporated all of their recommendations into our Historical Review Program.

I especially endorse our consultants' recommendation that we reassemble them, or a comparable panel in two or three years, to assess the program's progress and to make such further recommendations as are necessary. This program has my strong support and we are determined to make it succeed.

As the CIA Information Act directs, I am also sending my report and this letter to the Chairman of the Committee on the Judiciary of the Senate, and the Chairmen of the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives.

Sincerely,

/s/ William J. Casey
William J. Casey
Director of Central Intelligence

Enclosures

1985

Report of the Director of Central Intelligence
to the Committees of Congress
on the
Historical Review Program

On 15 October 1984 President Reagan signed into law the Central Intelligence Agency Information Act (Appendix A), which authorizes the Director of Central Intelligence (DCI) to exempt certain files from search under the Freedom of Information Act. Section 3(a) of this Act also states that

The Director of Central Intelligence, in consultation with the Archivist of the United States, the Librarian of Congress, and appropriate representatives of the historical discipline selected by the Archivist, shall prepare and submit by June 1, 1985, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

The Act directs the DCI to submit this report to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

In response to this requirement, on 18-19 March 1985 the DCI and members of his staff met at CIA Headquarters with the Archivist of the United States, Dr. Robert M. Warner, the Assistant Librarian for Research Services, Dr. John C. Broderick, representing the the Librarian of Congress, and the following three historians selected by the Archivist:

Dr. John Lewis Gaddis, Distinguished Professor of History, Ohio University

Dr. Richard W. Leopold, William Smith Mason Professor of American History Emeritus, Northwestern University

Dr. Gaddis Smith, Larned Professor of History, Yale University

Dr. Frank G. Burke, Acting Assistant Archivist for the National Archives, and Mr. Edwin A. Thompson, Director, Records Declassification Division, accompanied the Archivist on Monday, 18 March, and Mr. Thompson represented the Archivist at the meetings on Tuesday, 19 March. The Historian of the Department of State, Dr. William Z. Slany, and his Deputy, Dr. Neal H. Petersen, also attended Monday when the question of intelligence documents and The Foreign Relations of the United States series was taken up.

The consultants met with the Director of Central Intelligence, Mr. William J. Casey, at lunch on Monday, 18 March 1985. Representing the DCI in the two days' discussions were Director of Information Services, Dr. J. Kenneth McDonald, Chief Historian, and other officials responsible for CIA's new Historical Review Program.

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The discussions focused on the Historical Review Program, which responds to the concerns reflected in Section 3 (a) of the CIA Information Act, as explained in the 1 May 1984 Report of the House Permanent Select Committee on Intelligence:

Section 3 is intended to require the Director of Central Intelligence to study the feasibility of a declassification program which would supplement the voluntary declassification review program agreed to in an exchange of letters of October 3 and 4, 1983, between Director of Central Intelligence William J. Casey and Senator Dave Durenberger. Those letters refer to "selective" review of materials that the CIA believes "would be of greatest historical interest and most likely to result in declassification of useful information." The type of systematic review Section 3 requires the Director to consider would take into account similar criteria, but would envisage a greater volume of declassification.

The Committee expects the Director's report to explore the full range of ideas which can contribute to the objective of making available CIA information of historical value on the diplomatic, military and intelligence activities of the United States without risking damage to the security or foreign policy of the Nation. The Committee considers the Foreign Relations of the United States series published by the Department of State to be an excellent example of a project which

contributes to this objective. Because of the especially sensitive nature of the work of the CIA, this type of large-scale chronological disclosure of CIA information of historical value may not be possible. However, the Committee expects the report of the Director of Central Intelligence to explore this possibility on some appropriate scale, along with exploring other ideas which can contribute to the objective set forth above.

In the two days' meetings CIA officers briefed the consultants on plans and procedures adopted for implementing the Historical Review Program. In executive session at the end of these discussions the consultants agreed on their recommendations. On 10 April 1985 the Archivist, Dr. Warner, submitted "A Report to the Director of Central Intelligence by Consultants on the Historical Review Program." The present report to Congress takes full account of the consultants' report and explains how the Historical Review Program has incorporated their recommendations. (Appendix B contains the consultants' report, whose attachments include the meetings' full agenda and biographical summaries of the consultants.)

Casey-Durenberger Agreement

Before describing CIA's Historical Review Program, however, we should give a brief account of the 3-4 October 1983 exchange of letters between Mr. Casey and Senator David Durenberger, which forms the foundation for this new program. (Appendix C has copies of these letters.)

In his 3 October 1983 letter to Mr. Casey, Senator Durenberger observed that their work on the prospective CIA Information Act had highlighted the need to make more declassified materials available to historians. In light of their common concern for history and historians, Senator Durenberger urged Mr. Casey to establish procedures for reviewing and declassifying some of the material in files not covered by the bill's exemptions. Senator Durenberger

added that although a declassification review program would be a burden for the CIA, "it would be a manageable burden and one well worth assuming." Moreover, he offered to lead the effort to provide budget support for positions to be devoted to this enterprise. Establishing such a declassification review program, he concluded, "would demonstrate your commitment to openness in the things that matter, while continuing to safeguard that which must remain secret."

Affirming Senator Durenberger's views on the need for an accurate historical record, Mr. Casey's reply declared,

If Congress is willing to provide the resources, I am prepared to institute a new program of selective declassification review of those materials that we believe would be of greatest historical interest and most likely to result in declassification of useful information.

The agreement in this exchange of letters thus envisioned a CIA historical review program organized after passage of the CIA Information Act, using additional resources Congress would then provide for this purpose.

Transfer of OSS Records

In his letter to Senator Durenberger, however, Mr. Casey explained that on his own initiative he had already asked his Chief Historian to explore a program that would release "usable historical materials from the World War II period." As a result of this initiative CIA took steps to transfer to the National Archives and Records Service (NARS--since 1 April 1985, National Archives and Records Administration, NARA) its entire holdings of declassified World War II Office of Strategic Services (OSS) permanent records, a large collection of major historical importance. In June 1984, after concluding a Memorandum of Understanding with NARS concerning procedures and responsibilities (Appendix D), CIA began its transfer to NARS

of some 2500 cubic feet of declassified OSS operational records in CIA's custody. On 11 June 1984 the National Archives opened for research the first 194 cubic foot increment of these newly declassified OSS records. The opening of this collection for the first time permits thoroughly documented studies of the role of American intelligence in World War II. As Mr. Casey wrote to Senator Durenberger in June 1984, this transfer constitutes "an important first step in implementing the selective declassification program I promised to initiate last October."

By May 1985 the National Archives and Records Administration had accessioned approximately 800 cubic feet of OSS records. The transfer of a collection of this size is a large undertaking for both CIA and NARA, and the two agencies are cooperating closely to maintain the transfer pace. The pressure has probably been heavier on NARA, since a CIA team of 13 had already spent almost four years reviewing these records for declassification before this transfer began. It may be late 1986 before all of these OSS records are open to researchers. In the meantime, while continuing the transfer of OSS records, the Agency is moving systematically to establish its new Historical Review Program on a permanent footing.

Aims

CIA recognizes that it is accountable not only to Congress but also to the American public. Congress, historians, the media and the general public clearly expect us (after proper review) to release documents of historical significance that no longer require protection in the interest of national security. The Freedom of Information Act already makes this clear, and our exemption from searching certain designated operational records under the new

CIA Information Act increases the pressure to declassify other records. Our consultants rightly point out that "in a society as open as that of the United States, excessive secrecy erodes Government credibility and encourages distortions of the historical record." Moreover, as Senator Durenberger observed in his 3 October 1983 letter to Mr. Casey, "The important thing is to make the declassification of historical information a cooperative endeavor, rather than a test of wills fought out in FOIA requests and courtrooms." Needing the confidence of the American public to do our work, we hope to strengthen that confidence by undertaking this program to review CIA records of historical value for declassification and transfer to the National Archives.

In establishing the Historical Review Program, we have not attempted to distinguish between the voluntary program to which Mr. Casey committed CIA in his 4 October 1983 letter to Senator Durenberger, and the systematic program that Section 3 of the CIA Information Act proposes. As the House Report notes, both take into account similar criteria. After exploring a full range of options and ideas, CIA has decided to organize a maximum effort from the outset, to declassify and transfer to the National Archives the greatest feasible volume of historically significant records. Our consultants have examined and evaluated this proposed program, we have incorporated their recommendations into it, and we fully endorse their view that the program's aim

must be release of inactive records, appraised as permanently valuable, to the public via the National Archives, as the most effective means of serving the public interest and especially that of historical research.

Organization

Principal responsibility for this program has been assigned to the

Director of the Office of Information Services (OIS), in the Directorate of Administration, with advice and support from the History Staff in the Office of the DCI. As Senator Durenberger promised, Congress provided CIA with ten additional positions to support this program. Eight of these have been allocated to OIS, and two to the History Staff. Both organizations have moved to fill these positions.

The role of the History Staff is to consult with outside historians, to help the Office of Information Services and the Agency's components select historically important records, and to provide insight and judgments on historical value throughout the review process. The consultants' report, in commending the significant role assigned to an enlarged History Staff in the program, noted that this staff is "best qualified to render judgment on the potential historical value of certain files and records."

The History Staff was reestablished in its present form in 1980, and the Chief Historian recruited from outside CIA in 1981. In addition to its chief and his deputy, the History Staff has four staff historians, two of whom are being added specifically for the Historical Review Program. The History Staff's doctorates are from Oxford, Bryn Mawr, University of North Carolina, Indiana University, Columbia and Johns Hopkins. All have served on college or university history faculties, and they continue to be active in the profession--in scholarly meetings and publications--outside of their CIA work. The History Staff is committed to the success of the Historical Review Program, and its members are unusually well-qualified by training and experience to carry out the duties required of them.

The Office of Information Services has assigned responsibility for the

Historical Review Program to its Classification Review Division. This Division has formed a new Historical Review Branch dedicated to this program, whose full-time staff will be supplemented as needed by qualified contract help. This Branch has taken the lead in finding ways to identify and locate records whose historical interest and declassification potential make them promising candidates for review. The Classification Review Division will coordinate with Agency components the actual review of records once selected. Using its extensive experience as coordinator for CIA's 1977-82 systematic review program, this Division is developing review guidelines and procedures in accordance with relevant CIA and other federal directives.

Although commenting favorably on the Agency staff committed to the Historical Review Program, the consultants concluded that they could not readily judge whether the resources assigned to the program, including an augmented History Staff, are sufficient to make acceptable progress. We therefore endorse their recommendation that

The Director of Central Intelligence reassemble these consultants or a comparable group in two or three years to assess progress and to make further recommendations, as seem necessary.

Selection

As Senator Durenberger suggests in his 3 October 1983 letter to the DCI, we shall use the same criterion to select material for review that the CIA Information Act sets forth for file designation review, that is, "the historical value or other public interest in the subject matter". Since documents of historical value--practically speaking--are those that historians value, CIA's Chief Historian will take into account the recommendations of a wide range of historians--e.g. the historians of the

Departments of State and Defense, the Archivist of the U.S., as well as academic and private historians--in determining what records meet this criterion. Our objective is to evaluate material in light of the contribution its declassification can make to an understanding of intelligence, foreign policy and international developments.

In selecting records, as Mr. Casey noted in his 4 October 1983 reply to Senator Durenberger, we expect to concentrate our efforts on files that are of the greatest historical interest, and are most likely to result in the declassification of useful information. As a general rule this latter consideration--the potential "yield" of declassified documents--will mean focusing first on the Agency's earliest records, as opposed to more recent material. We have begun with our oldest records not only because we expect them to produce the most releasable material, but also because we plan to conform to the regular procedures followed throughout the U.S. government for transferring permanent records to the National Archives, which normally accessions only records 20 years old or older. Moreover, we do not propose to pick out individual documents on particular topics from various files, but rather to adopt National Archives and Records Administrations standards in selecting significant classes of records for review. Following our consultants' recommendation, we have therefore established procedures to examine all permanently valuable records chronologically, beginning with the earliest, including "designated files" in conjunction with the periodic review required by Section 702 of the CIA Information Act.

In deciding which groups of records to review, the program will also follow the two principles that our consultants commend to us as "Finished

First" and "Top Down." As they note, these principles mean that "finished intelligence considered by high-ranking officials should have first priority in review." Finished intelligence deserves priority for two reasons. First, the final version of an intelligence report or estimate is ordinarily what policy-makers see and act on. Secondly, it is less likely than raw data to reveal intelligence sources and methods that must continue to be protected. "Top Down" means that we shall give priority to reviewing the records of the Director of Central Intelligence and his principal subordinates, when--as the consultants note--the potential yield of declassifiable files makes this approach feasible.

Review

Beginning with our post-World War II records, we propose to move systematically to review coherent groups of documents that the National Archives has scheduled as permanent records, and from which we expect to be able to declassify a substantial percentage of records. In this process we shall work closely with the National Archives, using the valuable experience and working relationships we have gained over the years, and most recently in the review and transfer of our OSS operational records. At our March meetings National Archives representatives assured us that, barring unforeseen loss of staff resources, their staff is equal to the task of keeping pace with the Historical Review Program's processing and preparation of records for National Archives' accession.

Our consultants noted that delays in declassification review are often caused by the need to coordinate many documents with other government departments and agencies having equities in them. As they suggest, the DCI,

as head of the Intelligence Community, will seek cooperation from all the relevant agencies in expediting their review of documents submitted to them by the Historical Review Program.

Although we shall declassify and transfer whole documents whenever possible, we agree with our consultants that the transfer of a minimally "sanitized" document (that is, with some excisions) is preferable to withholding it altogether. We shall therefore when necessary sanitize a document for transfer in unclassified form, using the following guidelines from our consultants:

- a. the "sanitizing" may be accomplished with little additional staff effort and minimal impact on the Review program;
- b. the essential significance of the record is retained; and
- c. there is no distortion of bibliographical identity, including authorship and recipient, and use made of the record, even if details of internal dissemination are excised.

As the program moves forward the History Staff will consult with the Classification Review Division and the components controlling records with respect to the consultants' recommendation that those involved in the Historical Review Program "take full account of the extent to which information about CIA activities is already available other than through release of CIA files."

With the transfer of our declassified OSS documents, our oldest records are those of CIA's postwar predecessor organizations, the Strategic Services Unit and the Central Intelligence Group, which cover the period 1 October 1945 to 18 September 1947. CIA has already taken steps to review the Strategic Services Unit records, so that in due course we can transfer those that are declassified to the National Archives. After reviewing the Central

Intelligence Group records we shall move to select records from the files of CIA proper, beginning in 1947. We hope to declassify historically significant documents that will make CIA material available--as the State and Defense Departments' material is generally available--up to the 1960s.

Publication

The consultants and CIA representatives discussed the suggestion of the House Permanent Select Committee on Intelligence (quoted on page 3 above) that CIA explore the possibility of publishing declassified documents in a series similar to the Department of State's Foreign Relations of the United States. State's Historian's Office has in fact considered compiling supplements to earlier Foreign Relations volumes of the 1940s and 1950s, to publish important documents (such as CIA reports and estimates and National Security Council papers) that have been declassified since the publication of the original volumes. This seems the most promising and useful way to publish the most significant declassified CIA documents. In discussions with the consultants at the 18 March meeting, however, the Historian of the Department of State, Dr. William Slany, explained that his office's present commitments and limited resources make it highly unlikely that they can undertake any such supplementary volumes in the foreseeable future.

The consultants nevertheless concluded that the Foreign Relations volumes, whose successive prefaces properly declare them to be "the official record of the foreign policy of the United States," are the appropriate and preferred vehicles for publishing finished intelligence and other documents relating to intelligence activities abroad. "Indeed," the consultants' report observes, "without the inclusion of such documents, either in basic or supplementary volumes, the history of American foreign relations is

impoverished and incomplete." The consultants therefore recommended that

the Director of Central Intelligence authorize the publication of selected declassified and releasable intelligence reports and other intelligence related documents in regular or supplementary volumes in the Foreign Relations series, rather than as separate publications by CIA.

Although State cannot now undertake supplementary volumes to incorporate CIA material for the earlier postwar years, CIA will continue to make documents available for publication in the regular volumes in the Foreign Relations series, which have now reached the Vietnam War era. For a number of years the Agency's History Staff has arranged for Department of State historians to have access to classified CIA files (especially in the several presidential libraries), and our Classification Review Division has reviewed for declassification those CIA documents State's editors select for publication in each Foreign Relations volume. We shall of course continue to help make CIA records available for the forthcoming regular volumes of this distinguished series. We hope, however, that in due course the Historian of the Department of State will be given the resources he needs to publish supplementary Foreign Relations volumes with important CIA and other records that have been declassified since earlier volumes appeared.

Preservation

Noting that security classification requires CIA to retain custody of its records longer than most government agencies, the consultants suggested that special precautions may be necessary to guard against undue deterioration of records. They therefore offered the cautionary recommendation, not based on any observed shortcomings, that "the Director of Central Intelligence satisfy himself that the preservation needs of CIA records are being met." The point is well taken, and CIA is reviewing its ongoing records preservation program.

Conclusions

We cannot conclude without expressing our gratitude to the five distinguished consultants who met on 18-19 March 1985 with the CIA officers responsible for this program. Their well-informed and eminently practical counsel, both at the meetings and in their formal report, has been extraordinarily helpful in our efforts.

We believe that, with our consultants' help, we have investigated carefully the "full range of ideas" that the House Report urged us to explore. Balancing our statutory duty to protect intelligence sources and methods with legitimate public interest in CIA records, our program is designed to make significant historical information available without risking damage to our national security. Although we believe that the Historical Review Program is established on a sound footing, some time will be needed to find out how well our arrangements work in practice. We shall seek advice and make adjustments as we proceed, but we agree that after a reasonable period the program should have another thorough external review. As the consultants recommend, the DCI will invite them or a comparable group in two or three years to assess the program's progress, and to make such further recommendations as are necessary.

Our consultants reported that they found a strong sense of institutional and personal commitment to the Historical Review Program on the part of those in charge of its implementation. CIA is grateful for their confidence, and determined that this new program succeed in releasing intelligence documents that will make possible a more accurate record and fuller understanding of our nation's history since World War II.